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UNCLAS SECTION 01 OF 05 ROME 005323

SIPDIS

USDA FOR ARS:PETER BRETTING, JUNE BLALOCK, FAS:LYNNE
REICH, DICK HUGHES, OFFICE OF THE SECRETARY: DAVID
HEGWOOD
STATE FOR OES/ENV RICK DRISCOLL, L/OES K. YOUEL PAGE AND
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IO/EDA ROSE BERSTEIN SETH WINNICK AND EB/TPP KLEMM AND
MALIC
IO/S LAUREN FLEJZOR, GEORGE ABRAHAMS
USTR DARCI VETTER, MARK SLOAN
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NSC JOHN CLOUD, KEN PEEL
GENEVA ALSO FOR USTR
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E.O. 12958: N/A

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SUBJECT: REPORT ON FAO COMMISSION ON GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

REF: ROME 3174

1. (U) SUMMARY: THE NINTH SESSION OF THE UN FOOD AND
AGRICULTURE ORGANIZATION (FAO) COMMISSION ON GENETIC
RESOURCES FOR FOOD AND AGRICULTURE MET OCTOBER 14-19,
CHAired BY ROB BERTRAM OF THE U.S. AGENCY FOR
INTERNATIONAL DEVELOPMENT. THE COMMISSION ENDORSED A
DRAFT MATERIAL TRANSFER AGREEMENT (MTA) FOR THE PLANT
GERMPLASM HELD IN TRUST BY THE INTERNATIONAL AGRICULTURAL
RESEARCH CENTERS. THE MTA CONTAINS LANGUAGE ON VOLUNTARY
BENEFIT SHARING, BUT (DESPITE G-77 EFFORTS) NO LANGUAGE
ON THE NEED FOR SIGNATURES OR TRACKING. ON
BIOTECHNOLOGY, THE COMMISSION AGREED THAT THE FAO WOULD
STUDY WHERE THE ISSUES IN THE ORIGINAL CODE OF CONDUCT ON
UNCLASSIFIED

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BIOTECHNOLOGY HAVE BEEN OVERTAKEN OR COVERED BY OTHER
BODIES. THE FAO REPORT ON GENETIC END USE RESTRICTION
TECHNOLOGY (GURTS) WILL BE SENT TO THE CONFERENCE OF THE
PARTIES OF THE CONVENTION ON BIOLOGICAL DIVERSITY FOR
INFORMATION WITH U.S. COMMENTS APPENDED. A NUMBER OF
COUNTRIES EXPRESSED DEEP CONCERN ABOUT THE IMPACT ON
DEVELOPING COUNTRY CROP BIODIVERSITY AS A RESULT OF THE
INADVERTENT PLANTING OF BIOTECH ENGINEERED SEEDS INTENDED
AS FOOD AID. THE FAO SECRETARIAT STATED THAT IT WAS
"ADVISING COUNTRIES TO MILL FOOD AID RECEIVED IN SEED
FORM ON ENVIRONMENTAL AND NUTRITIONAL GROUNDS." THE
COMMISSION CONTINUES TO BE A HIGHLY POLITICIZED BODY ON
WHICH THE U.S. NEEDS TO KEEP CLOSE TABS, FROM A TECHNICAL
AS WELL AS POLITICAL PERSPECTIVE. END SUMMARY.

2. (U) THE FAO COMMISSION ON GENETIC RESOURCES FOR FOOD
AND AGRICULTURE (CGRFA) MET OCTOBER 14-19, 2002 IN ROME.
U.S. DELEGATE ROB BERTRAM, CHIEF, POLICY AND MULTILATERAL
PROGRAMS DIVISION, OFFICE OF AGRICULTURE AND FOOD
SECURITY, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
CHAired THE SESSION. THE SESSION MET DIRECTLY AFTER THE
FIRST SESSION OF INTERIM COMMITTEE FOR THE TREATY ON
GENETIC RESOURCES FOR FOOD AND AGRICULTURE (SEPTTEL). THE
U.S. DELEGATION INCLUDED WANDA COLLINS (USDA/ARS),
HARVEY BLACKBURN (USDA/ARS) AND LUCY TAMLYN (FODAG).

ANIMAL GENETIC RESOURCES

3. (U) THE COMMISSION EMPHASIZED THE NEED TO COMPLETE
THE FIRST REPORT ON THE STATE OF THE WORLD'S ANIMAL
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GENETIC RESOURCES BY 2006 (AN ACTIVITY WHICH HAS BEEN
HELD UP BY LACK OF RESOURCES.) CALLS FOR THE COMMISSION
TO TAKE UP A NEW INTERNATIONAL BINDING TREATY ON ANIMAL
GENETIC RESOURCES DID NOT REPRESENT A BROAD CONSENSUS AND
WERE DEFLECTED. THE REPORT STATES THAT THE ISSUE IS LEFT
OPEN FOR "FUTURE SESSIONS OF THE COMMISSION." THE U.S.
WAS RE-ELECTED TO THE INTERGOVERNMENTAL TECHNICAL WORKING
GROUP ON ANIMAL GENETIC RESOURCES.

PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

4. (U) COMMISSION MEMBERS PROPOSED WAYS TO IMPROVE
IMPLEMENTING AND MONITORING OF THE GLOBAL PLAN OF ACTION
FOR THE CONSERVATION AND SUSTAINABLE UTILIZATION OF PLANT

GENETIC RESOURCES FOR FOOD AND AGRICULTURE, BUT AGREED THAT IT WAS PREMATURE TO REVISE THE PLAN. U.S. AND CANADA QUESTIONED THE NEED TO INCLUDE BIOSAFETY AND BIOSECURITY AS A PRIORITY IN THE SECOND "STATE OF THE WORLD'S PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE" REPORT, PARTICULARLY IN VIEW OF THE POTENTIAL OVERLAP WITH OTHER ORGANIZATIONS. OTHER DELEGATES, SUCH AS CUBA

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	TEDE-00	INR-00	IO-00	AC-01	NSAE-00	NSCE-00	OIC-02
	CAEX-01	PER-00	ACE-00	SS-00	STR-00	TEST-00	EPAE-00
	ECA-00	SAS-00	/006W				

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R 310724Z OCT 02
FM AMEMBASSY ROME
TO SECSTATE WASHDC 6670
INFO USDA FAS WASHDC 2378
USMISSION GENEVA
USMISSION USUN NEW YORK
AMEMBASSY NAIROBI
AMEMBASSY PRETORIA
AMEMBASSY HARARE
AMEMBASSY MAPUTO
AMEMBASSY LUSAKA
USEU BRUSSELS 2900
AMEMBASSY MEXICO
AMEMBASSY BOGOTA

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E.O. 12958: N/A

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SUBJECT: REPORT ON FAO COMMISSION ON GENETIC RESOURCES
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AND ANGOLA, STRONGLY SUPPORTED THE INCLUSION OF BIOSAFETY, NOTING AS AN EXAMPLE THE ALLEGED PROBLEMS CAUSED BY THE INTRODUCTION OF BIOTECH ENGINEERED FOOD AID (IN SEED FORM) AND ITS POSSIBLE IMPACT ON BIODIVERSITY.

15. (U) AN AMBITIOUS FAO PROGRAM FOR FUNDING THE GLOBAL PLAN OF ACTION, ENTITLED THE "FACILITATING MECHANISM" RECEIVED A TEPID WELCOME. DONORS (PARTICULARLY EU COUNTRIES) FELT THAT THE FAO HAD MOVED TOO FAST TO CREATE A FUND-RAISING MECHANISM WITHOUT CONSULTING ADEQUATELY WITH POTENTIAL DONORS ON THE LIKELIHOOD OF RAISING SUCH FUNDS. EU MEMBERS ALSO NOTED WITH CONCERN THE POSSIBILITY OF OVERLAP WITH THE FUNDING STRATEGY OF THE INTERNATIONAL TREATY.

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EX SITU COLLECTIONS OF PLANT GENETIC RESOURCES HELD BY THE INTERNATIONAL AGRICULTURAL RESEARCH CENTERS (IARCS) OF THE CONSULTATIVE GROUP ON INTERNATIONAL AGRICULTURAL RESEARCH (CGIAR) AND OTHER INTERNATIONAL COLLECTIONS

16. (U) DISCUSSION UNDER THE AGENDA ITEM ON EX SITU COLLECTIONS INCLUDED ALLEGATIONS OF INAPPROPRIATE GRANTING OF INTELLECTUAL PROPERTY RIGHTS ON MATERIALS ORIGINATING FROM THE IARCS. G-77 COUNTRIES MOST FREQUENTLY CITED THE "ENOLA BEAN" PATENT CASE IN THIS REGARD. THE CGIAR REPRESENTATIVE NOTED 1) THE MATERIAL HAD NOT ORIGINATED IN THE IARC'S "IN-TRUST" COLLECTIONS AND THAT 2) THE LEGAL CASE BROUGHT BY IARC CIAT

(COLOMBIA) "MAY BE EFFECTIVE IN BLOCKING THE PATENT."
CITING RECENT REPORTS ON MEXICAN MAIZE, A NUMBER OF
COUNTRIES EXPRESSED CONCERN ABOUT THE POSSIBILITY OF
"GENE FLOW" FROM TRANSGENIC CROPS AND REQUESTED THE IARCS
TO TAKE STRONGER MEASURES TO PROTECT THEIR COLLECTIONS
FROM "CONTAMINATION." (COMMENT: THE FAO DOCUMENT ON THIS
MATTER STATED THAT IARC CIMMYT (MEXICO) HAD CONFIRMED
THAT THERE WAS NO EVIDENCE OF TRANSGENES IN THE CIMMYT
MAIZE COLLECTION AND THAT STATEMENTS TO THE CONTRARY WERE
"NOT BASED ON RELIABLE FACTS." END COMMENT.)

RENEWAL OF THE AGREEMENTS BETWEEN THE IARCS AND THE FAO

17. (U) THE RENEWAL OF AGREEMENTS BETWEEN THE IARCS AND
THE FAO PLACING COLLECTIONS OF PLANT GERMPLASM UNDER THE
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AUSPICES OF THE FAO WAS THE MOST CONTROVERSIAL ITEM OF
THE COMMISSION SESSION, INVOLVING CLOSE TO THREE FULL
DAYS OF NEGOTIATIONS. THE G-77 -- HAVING JUST AGREED IN
THE INTERIM COMMITTEE TO SET UP AN EXPERT GROUP TO MAKE
PROPOSALS CONCERNING THE MATERIAL TRANSFER AGREEMENT --
PROCEEDED TO ATTEMPT TO PREJUDGE THE OUTCOME OF THE GROUP
CONCERNING BENEFIT SHARING, THE NEED FOR SIGNATURES ON
THE MTA AND TRACKING OF MATERIAL RECEIVED FROM THE IARCS.
THE FINAL OUTCOME DOES INCLUDE BENEFIT SHARING
(VOLUNTARY) BUT NO MENTION OF SIGNATURES OR TRACKING.

18. (SBU) COMMENT: CANADA (WHICH WAS REPRESENTED IN THE
NEGOTIATION), SUBSEQUENTLY VOICED CONCERN TO USDEL THAT
THE BENEFIT SHARING PROVISION COULD BE A POOR PRECEDENT
FOR THE FUTURE TREATY MTA SINCE IT BROADENED THE BENEFIT
SHARING TO INCLUDE MORE THAN COMMERCIAL BENEFIT SHARING,
AND INCLUDED ASPECTS OF BENEFIT SHARING THAT ARE - PER
THE TREATY - STRICTLY THE RESPONSIBILITY OF STATE
PARTIES. HIS CONCERN IS THAT THE INTRODUCTION OF THIS
BENEFIT SHARING LANGUAGE, (WHICH INCLUDES OPEN-ENDED
SUGGESTIONS FOR TECH TRANSFER, TRAINING, ETC), COULD
PLACE THE ONUS ON PRIVATE COMPANIES TO NEGOTIATE THESE

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	TEDE-00	INR-00	IO-00	AC-01	NSAE-00	NSCE-00	OIC-02
	CAEX-01	PER-00	ACE-00	SS-00	STR-00	TEST-00	EPAE-00
	ECA-00	SAS-00	/006W				

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R 310724Z OCT 02
FM AMEMBASSY ROME
TO SECSTATE WASHDC 6671
INFO USDA FAS WASHDC 2379
USMISSION GENEVA
USMISSION USUN NEW YORK
AMEMBASSY NAIROBI
AMEMBASSY PRETORIA
AMEMBASSY HARARE
AMEMBASSY MAPUTO
AMEMBASSY LUSAKA
USEU BRUSSELS 2901
AMEMBASSY MEXICO
AMEMBASSY BOGOTA

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ISSUES WITH THE PROVIDER OF GERMPLASM, WHEREAS THE GOAL OF THE TREATY WAS TO ENSURE THAT THE PRIVATE SECTOR DID NOT NEED TO NEGOTIATE ON A CASE BY CASE BASIS FOR GERMPLASM (A LA CBD). ALTHOUGH THE COMMISSION REPORT STATES THAT THE AMENDED MTA IS "WITHOUT PREJUDICE TO THE DEVELOPMENT OF ANY MTA TO BE ADOPTED BY THE GOVERNING BODY OF THE TREATY, THIS POINT NEEDS TO BE BORNE IN MIND DURING THE EXPERT GROUP DISCUSSIONS OF THE TREATY MTA. END COMMENT.

INTERGOVERNMENTAL TECHNICAL WORKING GROUP ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

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9. (U) THE U.S. WAS RE-ELECTED TO THE INTERGOVERNMENTAL TECHNICAL WORKING GROUP ON PGRFA. THE GROUP WILL HAVE A FULL PLATE OF ISSUES, AS THE COMMISSION ASKED THAT IT EXAMINE A NUMBER OF ISSUES, INCLUDING GUIDANCE ON PREPARATION FOR THE NEXT REPORT ON THE STATE OF THE WORLD'S GENETIC RESOURCES, STRENGTHENING THE GLOBAL PLAN OF ACTION, ADVISING THE FACILITATING MECHANISM, AND THE POSSIBLE NEED TO UPDATE ELEMENTS OF THE CODE OF CONDUCT FOR PLANT GERMPLASM COLLECTING AND TRANSFER.

IN SITU CONSERVATION

10. A NUMBER OF MEMBERS EXPRESSED CONCERN THAT THE PROPOSED FAO COLLABORATION ON "GLOBALLY IMPORTANT INGENUOUS AGRICULTURAL HERITAGE SYSTEMS" COULD BE AN INDIRECT MEANS OF SUPPORTING SUBSIDIES FOR DEVELOPED COUNTRY AGRICULTURE AND SUBSIDIES. THESE CONCERNS ARE EXPRESSED IN THE REPORT ALONG WITH A LUKEWARM ENDORSEMENT OF THE PROJECT (FUNDED BY GEF, IMPLEMENTED BY UNDP).

FAO POLICIES AND PROGRAMS - THE BIOTECH DEBATE

11. THE U.S. STATEMENT UNDER THE AGENDA ITEM ON FAO POLICIES AND PROGRAMS CALLED ATTENTION TO MISTAKES IN THE FAO'S GLOSSARY ON BIOTECHNOLOGY AND IDENTIFIED THE FAO'S ETHICS PROGRAMS AS A LOW PRIORITY. USDEL ALSO CALLED UPON THE FAO TO SERVE AS A BETTER COMMUNICATOR AND EDUCATOR ON BIOTECH ISSUES, AND CITED THE RECENTLY RELEASED STATEMENT BY THE DIRECTOR GENERAL OF FAO AND WHO AND THE EXECUTIVE DIRECTOR OF WFP CONCERNING BIOTECH
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ENGINEERED FOOD AID AS A GOOD EXAMPLE OF LEADING. USDEL STRESSED THE NEED FOR FAO TO PROVIDE "SCIENCE-BASED" ADVICE TO GOVERNMENT ON THE USE AND SAFETY OF BIOTECH ENGINEERED FOOD. SOME DELEGATES (IRAN, MALAYSIA, AND BURKINA FASO) SPOKE CAUTIOUSLY IN FAVOR OF THE FAO TAKING A STRONGER ROLE IN ASSISTING DEVELOPING COUNTRIES WITH BIOTECHNOLOGY. (COMMENT: A MEMBER OF THE FAO SECRETARIAT APPROACHED USDEL AFTER THE INTERVENTION AND AGREED THAT THE GLOSSARY CONTAINED SOME "BIASED" DEFINITIONS AND INVITED THE U.S. TO PARTICIPATE IN THE NEXT REVISION OF THE GLOSSARY. END COMMENT).

FAO DEFENDS ADVICE ON MILLING BIOTECH ENGINEERED FOOD AID

12. (U) OTHER COUNTRIES EXPRESSED CONCERN IN RELATION TO THE IMPACT ON OF DISTRIBUTION OF "TRANSGENIC" FOOD "WITHOUT PRIOR INFORMED CONSENT" AND THE "POSSIBLE IMPLICATIONS TO IN SITU PLANT GENETIC RESOURCES." THE FAO SECRETARIAT (JIM DARGIE, CHAIR OF THE INTERDEPARTMENTAL

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WORKING GROUP ON BIOTECHNOLOGY) STATED THAT THE FAO WAS "ADVISING COUNTRIES TO MILL FOOD AID" BECAUSE OF

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ACTION OES-01

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	TEDE-00	INR-00	IO-00	AC-01	NSAE-00	NSCE-00	OIC-02
	CAEX-01	PER-00	ACE-00	SS-00	STR-00	TEST-00	EPAE-00
	ECA-00	SAS-00	/006W				

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R 310724Z OCT 02
FM AMEMBASSY ROME
TO SECSTATE WASHDC 6672
INFO USDA FAS WASHDC 2380
USMISSION GENEVA

USMISSION USUN NEW YORK
AMEMBASSY NAIROBI
AMEMBASSY PRETORIA
AMEMBASSY HARARE
AMEMBASSY MAPUTO
AMEMBASSY LUSAKA
USEU BRUSSELS 2902
AMEMBASSY MEXICO
AMEMBASSY BOGOTA

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ENVIRONMENTAL CONCERNS AND ALSO FOR THE OPPORTUNITY FOR
FORTIFICATION. DARGIE ACKNOWLEDGED THAT THERE WERE
ADDITIONAL COSTS, BUT MAINTAINED THAT THIS WAS "GOOD
ADVICE" AND THAT FAO NEEDED TO BE AN "HONEST BROKER." HE
NOTED THAT THE FAO ALSO ADVISED RECIPIENTS NOT TO PLANT
FOOD AID "AS THEY WILL BE DISAPPOINTED IN THE YIELD."

GLOBAL CONSERVATION TRUST

113. (U) UNDER REPORTS FROM OTHER INTERNATIONAL
ORGANIZATIONS, THE COMMISSION HEARD AN UPDATE ON THE
GLOBAL CONSERVATION TRUST (INTENDED TO PROVIDE, IN
PERPETUITY, A FLOW OF FUNDS FOR EX SITU CONSERVATION.) G-
77 MISTRUST OF THIS FUNDING MECHANISM AS AN ATTEMPT TO
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SUBVERT THE INTERNATIONAL TREATY'S "FUNDING STRATEGY" WAS
SOMEWHAT ASSUAGED BY ASSURANCES BY THE DIRECTOR OF THE
INTERNATIONAL PLANT GENETIC RESOURCES INSTITUTE (BASED
OUTSIDE OF ROME) THAT THE "OVERALL POLICY GUIDANCE TO THE
TRUST WOULD COME FROM THE GOVERNING BODY OF THE TREATY."

GENETIC END USE TECHNOLOGY AKA "TERMINATOR"

114. (U) THE COMMISSION DISCUSSED THE FAO'S LATEST
ATTEMPT (THE PREVIOUS ONE HAVING BEEN SENT BACK BY THE
INTERGOVERNMENTAL TECHNICAL WORKING GROUP ON PLANT
GENETIC RESOURCES) TO PROVIDE GUIDANCE ON GENETIC END USE
TECHNOLOGY (GURTS), FREQUENTLY CALLED "TERMINATOR
TECHNOLOGY." MOST DEVELOPING COUNTRY COMMISSION MEMBERS
(AND NORWAY) CONTINUE TO BELIEVE THAT GURTS IS A
"CONTRADICTION TO THE SPIRIT OF THE INTERNATIONAL
TREATY." USDEL STATED THAT THE REPORT WAS UNBALANCED AND
UNSCIENTIFIC. THE COMMISSION AGREED TO FORWARD THE
REPORT FOR INFORMATION TO THE CONFERENCE OF PARTIES OF
THE CONVENTION ON BIOLOGICAL DIVERSITY. THE COMMISSION
INVITED THE USDEL TO SUBMIT COMMENTS WHICH WILL BE
APPENDED TO THE REPORT. THE COMMISSION REPORT ALSO NOTES
THAT THE TECHNOLOGY IN QUESTION IS CURRENTLY IN RESEARCH
AND DEVELOPMENT AND IS NOT YET COMMERCIALIZED.

CODES OF CONDUCT ON BIOTECHNOLOGY AND PLANT GERMPLASM
COLLECTING

115. (U) THE COMMISSION AGREED THAT THE CODE ON
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COLLECTING AND TRANSFER MIGHT STILL BE USEFUL IN SOME
CONTEXTS AND REQUESTED THE INTERGOVERNMENTAL TECHNICAL
WORKING GROUP TO CONSIDER THE CODE AND MAKE
RECOMMENDATIONS TO THE COMMISSION'S NEXT SESSION.

116. (U) CONCERNING THE CODE OF CONDUCT ON
BIOTECHNOLOGY, THE COMMISSION ENDORSED THE PROPOSAL (PUT

FORWARD BY THE EUROPEAN REGION) THAT THE FAO WOULD DO A STUDY TO IDENTIFY WHAT HAS BEEN DONE IN OTHER FORA, AND IDENTIFY WHAT REMAINS TO BE DONE, AND WHICH ISSUES WERE RELEVANT TO THE COMMISSION. THE STUDY WILL BE CONSIDERED AT THE NEXT COMMISSION SESSION. THE REPORT MAKES CLEAR THAT THE NEXT STEP MIGHT BE A CODE, GUIDELINES, OR OTHER COURSES OF ACTION.

COMMENT

17. (SBU) THE COMMISSION IS A LIGHTNING ROD FOR POLARIZED VIEWS ON INTELLECTUAL PROPERTY RIGHTS AND BIOTECHNOLOGY. NONETHELESS, MANY COMMENTATORS (FROM OTHER DELEGATIONS AND THE SECRETARIAT) EXPRESSED THE VIEW

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	CAEX-01	PER-00	ACE-00	SS-00	STR-00	TEST-00	EPAE-00
	ECA-00	SAS-00	/006W				

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R 310724Z OCT 02
FM AMEMBASSY ROME
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INFO USDA FAS WASHDC 2381
USMISSION GENEVA
USMISSION USUN NEW YORK
AMEMBASSY NAIROBI
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SUBJECT: REPORT ON FAO COMMISSION ON GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

TO USDEL THAT THIS SESSION HAD BEEN ONE OF THE MOST AMICABLE IN COMMISSION HISTORY. THE FACT THAT THE INTERNATIONAL TREATY IS BEHIND THE COMMISSION MAY ACCOUNT FOR SOME OF THE PROGRESS. CERTAINLY THE EVEN-HANDED AND CONFIDENCE-BUILDING CHAIRMANSHIP OF THE U.S. CHAIR WAS WIDELY CREDITED WITH CREATING A FAVORABLE ATMOSPHERE. THAT BEING SAID, IT MUST BE RECOGNIZED THAT MUCH OF DEBATE IN THE COMMISSION IS ANTITHETICAL TO U.S. (AND OTHER DEVELOPED COUNTRIES) INTERESTS IN THE AREA OF INTELLECTUAL PROPERTY RIGHTS AND BIOTECHNOLOGY. HERE, MORE THAN IN ANY OTHER BODY, THE FAILURE OF THE FAO TO MAINTAIN HIGH SCIENTIFIC STANDARDS IS ON DISPLAY (SEEN, FOR EXAMPLE, IN THE SHODDY AND BIASED WORK IN THE GURTS REPORT AND IN THE MISTAKE-RIDDEN BIOTECHNOLOGY GLOSSARY.)

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AS POLEMICS CAN LEAD TO ACTION (AS THE COMMISSION'S RECENTLY COMPLETED TREATY ON GENETIC RESOURCES DEMONSTRATES) IT IS A BODY ON WHICH THE U.S. NEEDS TO KEEP CLOSE TABS FROM A TECHNICAL AS WELL AS POLITICAL PERSPECTIVE. HALL

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